

very questions to be passed upon would be pointed out by the certificate of division.

So far as making the judgment of the trial court final, I think it will be readily conceded that two good lawyers holding the trial court would be much more competent, with the witnesses and facts all before them, to determine a case correctly, than three (3) or more judges holding the appellate court could do on a transcript sent up. By this system many of the inferior courts could be dispensed with.

With the rapid increase of population and business we will have to continue the increase of appellate judges unless we begin the reform in the trial courts. The evils of the constant increase of appellate courts are felt in more than one direction. The most serious consequence attending it is the constant unsettling of our system of laws. In the simple questions of practice it is now frequently the case that we find three (3) appellate courts differing, and it becomes of much more concern when those differences extend to property rights.

German to this subject are the decisions and rulings of the present Court of Appeals. Their opinions and rulings are not allowed to be published. I think this is an evil.

It is safe to say that there are as many civil causes appealed to that court as there are to the Supreme Court, and yet the trial courts are not informed of rules and practice of the Court of Appeals in civil causes. I therefore recommend that some suitable encouragement be provided for the publication of the opinions and rulings of that court in civil causes.

The suggestion to save the country annoyance and expense of jury trials of course refers to petty offenses and minor civil causes.

FRONTIER DEFENSE.

The success of the effort now being made to obtain the money expended in frontier defense, depends largely upon the manner in which the claims are presented and audited.

Our members in Congress have not the time, and it cannot be expected of them, that they will give to that subject the attention it requires, and I therefore recommend that provision be made to have that matter properly attended to at Washington.

GREER COUNTY.

Your honorable bodies are in possession of all the facts in the Greer county controversy.

I believe that Texas should no longer hesitate, and thereby invite an adverse claim to that territory. I believe it to be the duty of the State to take possession, and treat it as territory to which the State has an undoubted title.

NORMAL SCHOOLS.

The two normal schools now in operation should be fostered and cared for.

I desire to call the attention of the Legislature to the manner of auditing accounts against the fund set apart for the support of these schools.

These accounts are now passed upon by the President and approved by him, and they are then approved by the principal of said schools; they then come to the Governor, and from him go to the Secretary of the Board of Education. By the fourth (4th) section of the act approved April 19, 1879 (session acts, 1879, page 182), and the seventh (7th) section act 1879 (page 183, same session), it will be seen that these accounts ought to be paid on the order of the Board or approved by the Governor.

These accounts range from fifty cents (50c) upwards. They come daily, and consume a great deal of time of the Executive without the least possible good to the people. The Governor relies upon approvals that come to him, and he certifies to things he cannot know. I respectfully suggest the law be so changed as to substitute the Secretary of the Board for the Governor, with such rules as the Board of Education may think proper to make.

PUBLIC BUILDINGS.

The building now occupied by your honorable bodies requires completion.

It requires a fence and other work outside, and the inside demands work that cannot be done without an appropriation, and as it is to constitute the Capitol for the next five (5) or six (6) years, I suggest such an appropriation as will fit the building for that purpose.

TELEGRAPH COMPANIES.

These companies under our laws are allowed extraordinary rights and privileges, and they should be required to serve the public. As now conducted they amount, to a large portion of the people, to a nuisance.

If they are so crowded with business that they cannot accommodate those who patronize them, they should be required to provide additional facilities, or tell customers that they cannot send or deliver message. Ordinarily, as now managed, in sending a message, say fifty

(50) miles, if it is placed on file in the morning, it is likely to be delivered in the afternoon, or may be next day.

I recommend the enactment of a law making it the duty of the district and county attorneys to institute proceedings in the name of the State against any telegraph company, upon responsible information of wilful failure to perform any duty with reference to transmitting or delivering any message deposited with it for transmission, and upon satisfactory evidence to the court and jury, to forfeit every right conferred upon such companies by the laws of this State.

Very respectfully,

JOHN IRELAND.

On motion of Senator Traylor, the Governor's message was ordered printed in the journal.

Senator Buchanan, for Judiciary Committee No. 1, by unanimous consent, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 29, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill 111, entitled "An act to reduce into one and amend an act entitled 'an act to incorporate Herman's University,' approved January 27, 1874, and an act entitled 'an act to incorporate Herman's Seminary,' approved February 11, 1860," have considered the same, and I am instructed to report the same back to the Senate, with the recommendation that it do not pass, for the reason that it seeks to revive and consolidate into one two lapsed charters of private corporations, and such an act is prohibited by section 1, of article 12, of the State Constitution. But that the object sought to be attained by said bill is fully authorized by the provisions of Senate bill No. 177, entitled "An act to amend article 575, chapter 3, title 20, of the Revised Statutes, by adding thereto section 9," which bill your said committee have also considered, and have instructed me report the same herewith with the recommendation that it do pass.

BUCHANAN, Acting Chairman.

On motion of Senator Pope, the Senate adjourned till tomorrow morning at 10 o'clock, the substitute of Senator Chesley for Senate bill No. 120, with amendment of Senator Martin, pending.

EIGHTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS; January 30, 1883. }

The Senate met pursuant to adjournment. Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by Dr. Smoot, Chaplain.

On motion of Senator Shannon, the reading of the journal of yesterday was dispensed with and the same adopted.

Senator Collins, chairman of Committee on Stock and Stockraising, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 29, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 172, being "An act to amend article 4572 of the Revised Civil Statutes, and to provide for the manner of proving estrays," have duly considered the same, and instruct me to report the bill back and recommend that it do pass.

COLLINS, Chairman.

Bill read first time.

Senator Harris, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred substitute House bill No. 8, entitled "An act to restore the jurisdiction of the county courts of the counties of Parker, Uvalde and Red River, and to repeal all laws in conflict therewith," have considered the same, and instruct me to report it back to the Senate and recommend that it do pass.

HARRIS, Chairman.

Bill read first time.

Senator Perry, chairman of Committee on Roads and Bridges, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 29, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 138, entitled "An act to provide for who shall work the public roads, and to fix the length of time they shall perform such labor," have had the same under advisement, and instruct me to return the same, and recommend that it do pass.

PERRY, Chairman.

Bill read first time.

Senator Peacock, chairman of Committee on Public Buildings and Grounds, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred Senate bill No. 163, entitled "An act to provide for the removal of the Supreme Court library," have carefully examined the same, and instruct me to report the same back, with the recommendation that it do pass, with the following amendment to the bill:

Amend the caption by adding thereto the following words: "and to make an appropriation therefor."

PEACOCK, Chairman.

Bill read first time, with committee amendment.

Senator Gibbs, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 164, have had the same under consideration, and instruct me to report the same back, with the recommendation that it do pass.

This bill has for its object the protection of the State and its counties and cities, as well as the bondsmen of tax collectors, by requiring notice to be given by the proper officers in case any tax collector fails to settle in full within thirty days of the time required by law, or the rules of the Comptroller's office.

GIBBS, for Committee.

Bill read first time.

Senator Kleberg, chairman of Committee on Retrenchment and Reform, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Retrenchment and Reform, to whom was referred Senate resolutions Nos. 15 and 16, the first resolution providing for an additional clerk of committees, etc., and the latter resolution providing that the present force of committee clerks be cut down to four in number, have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that both resolutions lie on the table and that the committee be discharged from further consideration of the same.

KLEBERG, Chairman.

Senator Johnson of Collin submitted the following minority report on same resolution:

COMMITTEE ROOM,
AUSTIN, January 29, 1883.

Hon. Marion Martin, President of the Senate:

The undersigned members of your Committee on Retrenchment and Reform do not concur with the majority in reporting adversely on the resolution offered by the Senator from Hood, reducing the committee clerks to four. There are now seven acting, at a cost of \$35.00 per day. Not more than four committees can be in session at any one time, for the reason that as each Senator is on several committees a quorum cannot be had for a greater number, and under that rule that clerks shall serve any committee, the four allowed by the resolution above referred to are sufficient. While they think the business of the Senate can be expedited by a reasonable number of clerks, we do not think the number ought to be increased beyond four. We are sure that four is as great a number as

the committees need or can be rendered useful. Therefore we recommend the adoption of the resolution reducing the committee clerks to that number.

JOHNSON of Collin,
FOWLER.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 5, being "An act to amend article 186 of the Penal Code of the State of Texas," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Gooch, chairman of Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 167, entitled "An act to amend article 1035, chapter 3, title 15, of the Code of Criminal Procedure," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the reason that the law as it is now is deemed sufficient.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 168, entitled "An act to amend article 722, chapter 8, of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, because another bill upon the same subject has been reported upon favorably.

GOOCH, Chairman.

Bill read first time, with unfavorable report.

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate petitions Nos. 18 and 19, the same being memorials from the attorneys of the counties of Hood and Tyler, asking amendment of article 1052 of Code of Criminal Procedure, have carefully examined the same, and instruct me to report the same back, and are of opinion that no legislation is necessary on the subject, because in the opinion of the committee, it is not wise public policy to diminish the perquisites of district attorneys by giving a part of same to county attorneys.

GOOCH, Chairman

Bill read first time, with unfavorable report of committee.

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 178, entitled "An act to amend article 722 of the Penal Code, so as to make the punishment for robbing imprisonment in the penitentiary for life, or a term of years not less than five, or death, in the discretion of the jury," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment: Strike out the concluding words, "or at death, in the discretion of the jury." We think it proper to increase the penalty for robbery, but do not think it wise to make it a capital felony. The mode of trial, by special venire, etc., make such trials tedious, slow and expensive, and should not be encouraged without the gravest public necessity.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 166, entitled "An act to punish for deer hunting by fire light by night time," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass with the following amendment: Amend by exempting the

counties of Anderson, Henderson, Cherokee and Van Zandt from the provisions of the bill, and amend by exempting the counties of Bastrop, Fayette and Lee.

Gooch, Chairman.

Bill read first time with amendment.

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate petition No. —, the same being a memorial of J. R. Mason, of Bexar county, have carefully examined the same, and instruct me to report the same back, and are of opinion that no legislation is necessary on the subject, because the committee do not think there is any conflict in the law referred to, and the county commissioners should be allowed to select their own agents to collect for their county amounts due from other counties.

Gooch, Chairman.

Bill read first time, with unfavorable report.

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 174, entitled "An act to amend article 634, chapter 2, title 17, of the Penal Code, passed February 21, 1879," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, because the law, as it now is, is deemed sufficient.

Gooch, Chairman.

Bill read first time, with unfavorable report.

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 24, entitled "An act to amend article 1052, title 15, chapter 2, of the Code of Criminal Procedure of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

Gooch, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 165, entitled "An act to amend article 3227 of the Revised Statutes, and to provide for local option elections," have carefully examined the same, and instruct me to report the same back with recommendation that it do not pass. The bill proposes to amend the law by providing for "local option elections in villages, school districts and school communities," in addition to "counties, cities, towns and justice precincts." Villages are provided for already, under the designation of "towns." School districts are incorporated cities and towns which have voted to become independent school districts, and are also provided for by the law as it exists; and "school communities" have no territorial boundaries, and hence no election could be held to enforce a law in an undefined locality.

Gooch, Chairman.

Bill read first time, with unfavorable report.

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate petition No. 16, the same being a memorial of the citizens of Goliad county, asking an amendment of the game laws, have carefully examined the same, and instruct me to report the same back, and are of the opinion that no legislation is necessary on the subject, because the committee do not think any change in the game law advisable.

Gooch, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate petition No. 20, the same being a memorial of citizens of Brown county, asking for the passage of an act increasing the punishment for fence breaking, have carefully examined the same, and instruct me to report the same back, and are of the opinion that no legisla-

tion is necessary on the subject, because the law as it is now is deemed sufficient.

Gooch, Chairman.

Senator Davis introduced a bill entitled "An act to prevent hunting with fire-arms on Sunday." Referred to Judiciary Committee No. 2.

Senator Shannon offered the following resolution, and moved its adoption:

Resolved, That the Committee on Public Printing be instructed to have printed for the use of the Senate five thousand copies of the Governor's message sent in yesterday, three thousand of which are to be printed in the English, one thousand in the German, five hundred in the Spanish, and five hundred in the Bohemian language.

Resolution adopted.

Senator Pope offered the following resolution, and moved its adoption:

Resolved, That the Postmaster of the Senate be required to ascertain if the newspapers that are daily deposited in the Austin post-office for members of the Senate are regularly forwarded through the mails, and report to the Senate at once.

Resolution adopted.

Senator Harris introduced a bill to be entitled "An act to repeal section 3 of an act in relation to assignments for the benefit of creditors, and to regulate the same, and the proceedings thereunder." Referred to Judiciary Committee No. 1.

Also, "An act to amend section 1 of 'an act to fix the fees of the Department of State in certain cases,' approved February 21, 1879." Referred to the Committee on State Affairs.

Senator Peacock introduced a bill entitled "An act to provide for the improvement and repairs of the Lunatic Asylum, the asylum grounds and to make an appropriation therefor." Referred to Committee on Asylums.

Senator Pfeuffer, introduced the following resolution:

Resolved, That a committee of two be appointed by the Committee on Education, to act with a like committee from the House, to visit the A. and M. college and the Prairie View Normal school, and report thereon; and that their traveling expenses be paid out of the contingent fund provided for the contingent expenses of the Eighteenth Legislature.

Senator Davis moved to amend by adding "the Sam Houston Normal school." Accepted.

Senator Gooch moved to amend by providing that only one be appointed from the Senate on that committee. Accepted, and resolution, as amended, adopted.

Senator Cooper offered the following resolution, and moved its adoption:

Resolved, That the Sergeant-at-Arms of the Senate is hereby authorized to purchase for the use of the Senate a bulletin board, upon which the Calendar Clerk shall be required to daily write all "special orders" made by the Senate.

Adopted.

Senator Houston introduced a bill entitled "An act to regulate the compensation of county attorneys in certain cases." Referred to Judiciary Committee No. 2.

Senator Pfeuffer, chairman of Committee on Finance, by unanimous consent, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill entitled "An act making a special appropriation for the support of the Supreme Court at Galveston," have considered the same, and instruct me to report it back with recommendation that it do pass. The appropriation is needed for immediate use, and is to be expended only on the approval of the Chief Justice of the State.

Pfeuffer, Chairman.

Bill read first time.

On motion of Senator Terrell, the regular order of business was suspended to take up the bill just reported, and bill taken up.

On motion of Senator Terrell, rules were suspended to put the bill on its second reading, by the following vote:

YEAS—26.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Collins,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Farrar,	King,	Randolph,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell,
Gibbs,	Patton,	Taylor.

NAYS—none.

Bill read second time.

Senator Gibbs offered the following amendment:

Amend by striking out item of \$1000 appropriation for carpeting and otherwise repairing court room, and insert "\$100." Lost by the following vote:

YEAS—6.

Davis,	Fleming,	Johnson of Collin,
Evans,	Gibbs,	Taylor.

NAYS—23.

Buchanan,	Houston,	Perry,
Chesley,	Jones,	Pfeuffer,
Collins,	King,	Pope,
Cooper,	Kleberg,	Randolph,
Fowler,	Martin,	Shannon,
Getzendaner,	Matlock,	Stratton,
Gooch,	Patton,	Terrell,
Harris,	Peacock,	

Senator Davis offered to amend the bill by striking out "\$1000" and inserting "\$500."

Senator Gooch offered the following amendment: Insert the word "furniture" before the words "and repairs," and after the words "court room," the words "and judges rooms."

Senator Buchanan moved the previous question on bill and amendments. Motion seconded, and main question ordered.

Senator Gooch's amendment being intended to perfect the bill, was put first and adopted.

Senator Davis' amendment was lost by the following vote:

YEAS—6.

Davis,	Fleming,	Johnson of Collin,
Evans,	Gibbs,	Taylor.

NAYS—22.

Buchanan,	Houston,	Peacock,
Chesley,	Johnston of Shelby,	Pfeuffer,
Collins,	Jones,	Pope,
Cooper,	King,	Randolph,
Fowler,	Kleberg,	Shannon,
Getzendaner,	Martin,	Stratton,
Gooch,	Patton,	Terrell,
Harris,		

Bill ordered engrossed.

On motion of Senator Terrell, rules were further suspended to put bill on its third reading, by the following vote:

YEAS—26.

Buchanan,	Houston,	Perry,
Chesley,	Johnston of Shelby,	Pfeuffer,
Collins,	Jones,	Pope,
Cooper,	King,	Randolph,
Evans,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Terrell,
Gooch,	Patton,	Taylor.
Harris,	Peacock,	

NAYS—4.

Davis,	Gibbs,	Johnson of Collin.
Fleming,		

Bill read third time, and passed by the following vote:

YEAS—24.

Buchanan,	Houston,	Peacock,
Chesley,	Johnston of Shelby,	Perry,
Collins,	Jones,	Pfeuffer,
Cooper,	King,	Pope,
Fowler,	Kleberg,	Randolph,
Getzendaner,	Martin,	Stratton,
Gooch,	Matlock,	Terrell,
Harris,	Patton,	Taylor.

NAYS—4.

Davis,	Gibbs,	Johnson of Collin.
Fleming,		

A message was received from the House announcing the passage by that body, of House bill No. 157, "An act to withdraw from sale all the school, university and asylum lands heretofore authorized to be sold by this State."

House concurrent resolution No. 1, a "Joint resolution requesting the Senators and Representatives of the State of Texas at Washington to urge the establishment of a quarantine station by the national government, at St. Louis Island, similar to that at Ship Island;" and House concurrent resolution "requiring Committee on Education to appoint a sub-committee to visit State schools;" also, that the House has passed a House concurrent resolution authorizing the appointment of a sub-committee of each house, to investigate certain land frauds.

Senator Terrell offered the following resolution:

1. *Be it resolved by the Legislature of the State of Texas, That our Senators be instructed and our Representatives in Congress requested to give their support to the bill now pending granting pensions to the surviving soldiers and widows of deceased soldiers of the war in 1846, 1847 and 1848 with Mexico*

2. *Resolved, That we recognize in the provisions of the bill now pending but a meager response to the claims of those who, by their patriotism and valor, added vastly to our territory and untold millions to the treasury of the nation.*

3. *Resolved, That the people of Texas are especially indebted to the old veterans, soldiers from all sections of the Union, who so promptly volunteered and gallantly fought in a war which had its origin in our struggle with Mexico for independence and subsequent annexation to the United States.*

4. *Resolved, That a copy of these resolutions be furnished by the Secretary of State to each of our Senators and Representatives in Congress.*

Referred to the Committee on Federal Relations.

Senator Gibbs introduced a bill to be entitled "An act amending article 4298 of the Revised Civil Statutes of the State of Texas." Referred to Judiciary Committee No. 2.

On motion of Senator Davis, Senate bill No. 12, entitled "An act to provide for the issuance of writs of mandamus and injunction in certain cases, and to fix the venue of the same," was postponed until Monday next, the fifth of February, 1883, and made the special order for that day after the morning call.

On motion of Senator Davis, Senate bill No. 8, entitled "An act to repeal the fourth section of an act defining who are officers in this State and prescribing their rights, powers, duties and privileges," approved February 15, 1881," was postponed until Monday next, and made the special order for that day immediately after the last special order (Senate bill No. 12) is disposed of.

On motion of Senator Chesley, the rules were suspended and Senate bill No. 174, entitled "An act to amend article 684, chapter 2, title 17, of the Penal Code, passed February 21, 1879," was taken up.

On motion of Senator Gooch, said bill just taken up was re-referred to Judiciary Committee No. 2.

Senator Harris, by unanimous consent, offered the following resolution:

Resolved, That Senators Shannon and Buchanan be added to Committee on Judicial Districts.

Adopted.

Senator Patton, by unanimous consent, submitted the following report for Committee on Asylums:

COMMITTEE ROOM,
AUSTIN, JANUARY 30, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Asylums, to whom was referred Senate bill No. 145, entitled "An act to establish a branch lunatic asylum, providing for the management of the same, and making an appropriation for its building and operation," have carefully examined the same, and instruct me to report the same back with the recommendation that the accompanying substitute be adopted in lieu of said bill, and that the same, when adopted, do pass.

PATTON, Acting Chairman.

Bill read first time.

The special order for this hour, being Senate bill No. 120, entitled "An act to provide for the payment of the expenses of attached witnesses in felony cases," was taken up, with a substitute pending.

Senator Chesley, by consent, withdrew his substitute, and submitted another substitute.

The substitute was laid on the table to permit the friends of the bill to perfect it.

The pending amendment of Senator Martin, amending section 1, line 4, by striking out the words "felony case," and inserting "criminal case or before a grand jury," was considered and lost.

Senator Patton offered the following: Amend section 2, by striking out "certify," and inserting "state in writing." Adopted.

Senator Matlock moved to lay the substitute on the table. Lost by the following vote:

YEAS—13.

Cooper,	Johnson of Collin,	Perry,
Davis,	King,	Pope,
Evans,	Matlock,	Terrell,
Fowler,	Patton,	Traylor.
Getzendaner,		

NAYS—15.

Buchanan,	Harris,	Peacock,
Chesley,	Houston,	Pfeuffer,
Fleming,	Jones,	Randolph,
Gibbs,	Kleberg,	Shannon,
Gooch,	Martin,	Stratton.

Senator Johnson of Collin offered the following amendment: Strike out all provisions in the bill making the State liable to pay defendants' witnesses in any case. Lost by the following vote:

YEAS—6.

Evans,	Houston,	King,
Getzendaner,	Johnson of Collin,	Perry,

NAYS—23.

Buchanan,	Gooch,	Pfeuffer,
Chesley,	Harris,	Pope,
Collins,	Jones,	Randolph,
Cooper,	Kleberg,	Shannon,
Davis,	Martin,	Stratton,
Fleming,	Matlock,	Terrell,
Fowler,	Patton,	Traylor.
Gibbs,	Peacock,	

The substitute of Senator Chesley was then lost by the following vote:

YEAS—12.

Buchanan,	Gooch,	Pfeuffer,
Chesley,	Harris,	Randolph,
Fleming,	Johnson of Shelby,	Shannon,
Fowler,	Jones,	Stratton.

NAYS—18.

Collins,	Getzendaner,	King,
Cooper,	Gibbs,	Kleberg,
Davis,	Houston,	Martin,
Evans,	Johnson of Collin,	Matlock,

Patton,
Peacock,

Perry,
Pope,

Terrell,
Traylor.

Senator Peacock offered the following amendment: Amend section 2, line 11, by inserting after the word "affidavit," the following: "That the testimony of the witness is material to his defense." Adopted.

Also the following: Amend section 2 by striking out all after the word "affidavit" in line 14, and insert in lieu thereof the following: "Provided, that the judge to whom application for attachment is made may, in his discretion, grant or refuse such application when presented in term time." Adopted.

Senator Evans offered the following amendment: Provided, that only two witnesses to any one material point shall be allowed compensation for their services.

Lost.

Senator Gooch offered the following amendment:

Amend section 2 by adding to it, "no attachment shall be issued in a felony case until the State's attorney shall have first made the statement in writing, or the defendant shall have made the affidavit, which will authorize the payment of the witness to be attached." Adopted.

Senator Harris offered the following amendment:

After the word "allowed," in line 5 of the printed bill, insert the following: "His actual traveling expenses, not exceeding." Adopted, and bill ordered engrossed by the following vote:

YEAS—23.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Pfeuffer,
Collins,	Johnson of Collin,	Randolph,
Cooper,	Johnson of Shelby,	Shannon,
Davis,	Jones,	Stratton,
Evans,	Martin,	Terrell,
Fleming,	Matlock,	Traylor.
Gibbs,	Patton,	

NAYS—5.

Fowler,	Houston,	Perry.
Getzendaner,	King,	

The following communication from Hon. W. J. Swain, the Comptroller, was read by the Secretary:

OFFICE OF COMPTROLLER,
AUSTIN, JANUARY 30, 1883.

Hon. Marion Martin, President of the Senate:

SIR: I have the honor to acknowledge the receipt of a resolution adopted by your honorable body, which reads as follows:

"Be it resolved by the Senate, that the Comptroller of Public Accounts be and he is hereby requested to furnish this body, as soon as practicable, the amount paid annually to the sheriffs, under the provisions of subdivision 6, article 1054, chapter 2, of the Code of Criminal Procedure."

In reply thereto, I beg leave to state that the books of this department show that the sum of \$60,691.78 has been paid to sheriffs under the provisions of the article and chapter referred to in said resolution, for twelve (12) months. Respectfully,

WM. J. SWAIN, Comptroller.

Senator Fleming, by leave, introduced a bill to be entitled "An act to provide for the sale of the land granted to the Deaf and Dumb, the Lunatic, the Blind and the Orphan asylums." Referred to the Committee on Public Lands, and 100 copies ordered printed.

Senator Gooch offered the following resolution:

Resolved, That the Senators and Representatives in the Congress of United States from Texas, be and are hereby requested to endeavor to secure, at once, additional assistance at the postoffice at Austin, Texas, during the present session of the Legislature, which is greatly needed, and that a copy of this resolution be forwarded to the Texas delegation by the Secretary of the Senate, by telegraph.

Adopted.

On motion of Senator Harris, the Senate adjourned until 10 a. m. to-morrow.